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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS


2011 SEP -8 P 1:39

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

SEP 8 2011

DOCKETED BY 

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR
APPROVAL OF ITS 2012 RENEWABLE ENERGY
STANDARD IMPLEMENTATION PLAN AND
REQUEST FOR RESET OF RENEWABLE
ENERGY ADJUSTOR.

DOCKET NO. E-01345A-11-0264

**PROCEDURAL ORDER REQUIRING
PUBLIC NOTICE AND SETTING
INTERVENTION DEADLINE**

BY THE COMMISSION:

On July 1, 2011, Arizona Public Service Company ("APS" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of its 2012 Renewable Energy Standard Implementation Plan and request for reset of renewable energy adjustor.

Intervention has been granted to the Solar Alliance ("Solar Alliance"), SolarCity Corporation ("SolarCity"), Freeport-McMoRan Copper & Gold, Inc. ("Freeport-McMoRan") and Arizonans for Electric Choice and Competition ("AECC").

On August 23, 2011, Western Resource Advocates ("WRA") filed a Motion to Intervene.

On August 24, 2011, at an Open Meeting of the Commission, the Commission directed the Commission's Hearing Division to schedule and hold a procedural conference at the earliest possible date for the purpose of discussing a hearing on the 2012 Renewable Energy Standard Implementation Plans filed by APS, Tucson Electric Power Company ("TEP") (Docket No. E-01933A-11-0269), and UNS Electric, Inc. ("UNSE") (Docket No. E-04204A-11-0267).

On August 25, 2011, a Procedural Order was issued setting a procedural conference for the purpose of having parties discuss procedural issues including a hearing, consolidation of this docket with Docket Nos. E-01933A-11-0269 and E-04204A-11-0267, notice, and an intervention deadline.

On August 30, 2011, the procedural conference convened as scheduled. APS, TEP, UNSE, Solar Alliance, SolarCity, Freeport-McMoRan, AECC, WRA, the Residential Utility Consumer Office ("RUCO"), and the Commission's Utilities Division ("Staff") appeared through counsel. The

1 parties stated that they had no objection to the intervention of WRA or RUCO in this matter. The
2 parties discussed the possibility of a hearing, consolidation of this docket with Docket Nos. E-
3 01933A-11-0269 and E-04204A-11-0267, notice, and an intervention deadline.

4 On August 31, 2011, RUCO filed an Application to Intervene.

5 On September 7, 2011, at an Open Meeting of the Commission, the Commission directed
6 Staff to prepare a Staff Report in this docket and Docket Nos. E-01933A-11-0269 and E-04204A-11-
7 0267 for consideration at a future Commission Open Meeting, and indicated that a hearing may or
8 may not be held on limited issues following that Open Meeting. The Commission also directed the
9 Hearing Division to set a deadline for intervention in this docket. The Commission indicated that it
10 intends to reach a determination on the application by the end of December, 2011.

11 The Commission will consider the application and Staff's recommendation at an Open
12 Meeting of the Commission that will be held following the issuance of a Staff Report. At that Open
13 Meeting, the Commission may vote on the application or may determine that an evidentiary hearing
14 should be held for the purpose of taking evidence on limited issues. Should the Commission decide
15 to hold a hearing, the process will be expedited and the schedule will be tailored to allow the
16 Commission to reach a determination on the application by the end of December, 2011.

17 Following the issuance of the Staff Report, parties will have 10 days to file comments thereon
18 and/or to request that a hearing be held. Any request for hearing must state with specificity the issue
19 or issues which the party believes necessitate an evidentiary hearing. In its discretion, the
20 Commission may or may not hold a hearing.

21 Public notice of the application should be ordered, and a deadline for intervention by
22 interested parties should be set.

23 IT IS THEREFORE ORDERED that intervention shall be in accordance with A.A.C. R14-3-
24 105, except that **all motions to intervene must be filed on or before September 30, 2011.**

25 IT IS FURTHER ORDERED that Western Resource Advocates and RUCO are hereby
26 granted intervention.

27 IT IS FURTHER ORDERED that all parties shall file their comments on the Staff Report no
28 later than 10 calendar days following the date the Staff Report is issued.

IT IS FURTHER ORDERED that any party requesting a hearing shall file a request no later than 10 days following the date the Staff Report is issued. Any such request shall state with specificity the issue or issues which the party believes necessitate an evidentiary hearing. In its discretion, the Commission may or may not hold a hearing.

IT IS FURTHER ORDERED that APS shall provide public notice of the application in the following form and style with the heading in no less than 18-point bold type and the body in no less than 10-point regular type:

**PUBLIC NOTICE OF THE APPLICATION OF ARIZONA PUBLIC SERVICE
COMPANY FOR APPROVAL OF ITS 2012 RENEWABLE ENERGY
STANDARD IMPLEMENTATION PLAN AND REQUEST FOR RESET OF
RENEWABLE ENERGY ADJUSTOR.
(DOCKET NO. E-01345A-11-0264)**

Summary

On July 1, 2011, Arizona Public Service Company ("APS" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of its 2012 Renewable Energy Standard Implementation Plan and request for reset of renewable energy adjustor.

The Commission's Utilities Division ("Staff") is in the process of reviewing and analyzing the application and will issue a Staff Report with its analysis and recommendation. **THE COMMISSION IS NOT BOUND BY THE PROPOSALS MADE BY APS, STAFF, OR ANY INTERVENORS, AND THE IMPLEMENTATION PLAN APPROVED BY THE COMMISSION MAY DIFFER FROM THE PLAN REQUESTED BY APS OR PROPOSED BY OTHER PARTIES.**

How You Can View or Obtain a Copy of the Application

Copies of the application are available from APS at its office, [Company insert address and phone number] and at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours and on the Internet via the Commission's website (www.azcc.gov) using the e-Docket function, located at the bottom of the web page.

Arizona Corporation Commission Public Hearing Information

No hearing has been set on the application. The Commission will consider the application and Staff's recommendation at an Open Meeting of the Commission that will be held following the issuance of a Staff Report. At that Open Meeting, the Commission may vote on the application or may determine that an evidentiary hearing should be held for the purpose of taking evidence on limited issues. Should the Commission decide to hold a hearing, the process will be expedited and the schedule will be tailored to allow the Commission to reach a determination on the application by the end of December, 2011. **Unless you intervene in this docket, you will receive no further notice of any Open Meetings or any hearing that may be held on the application.**

Following the issuance of the Staff Report, intervenors will have 10 days to file comments thereon and/or to request that a hearing be held. Any request for hearing must state with specificity the issue or issues which the intervenor believes necessitate an evidentiary hearing. In its discretion, the Commission may or may not hold a hearing.

About Intervention

Under appropriate circumstances, interested parties may intervene in this case. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene.

If you wish to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than **September 30, 2011**, and send a copy of the motion to APS or its counsel and to all parties of record. Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of APS, a shareholder of APS, etc.); and
3. A statement certifying that you have mailed a copy of the motion to intervene to APS or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **September 30, 2011**. All parties must comply with Arizona Supreme Court Rules 31 and 38 and A.R.S. § 40-243 with respect to the practice of law. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. Failure to intervene will not preclude any interested person or entity from providing public comment on the application or from filing written comments in the record of the case.

How to File Public Comments on the Application

Written public comments may also be submitted by mailing a letter referencing Docket No. **E-01345A-11-0264** to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to <http://www.azcc.gov/Divisions/Utilities/forms/PublicCommentForm.pdf>.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, email SABernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

Who to Contact if you have Questions

For further information on the APS application and procedural schedule, please contact APS at **[Company insert phone number]** or the Commission's Consumer Services Section at 602-542-4251, or 1-800-222-7000 (outside the metro Phoenix area). For further information or assistance with intervention or how to make public comment, please contact the Commission's Consumer Services Section at 602-542-4251, or 1-800-222-7000 (outside the metro Phoenix area).

1 IT IS FURTHER ORDERED that APS shall cause a copy of the above notice to be published
2 in a newspaper of statewide circulation no later than **September 16, 2011**.

3 IT IS FURTHER ORDERED that APS shall file certification of publication as soon as
4 possible after the publication has been completed, but **no later than September 23, 2011**.

5 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same,
6 notwithstanding the failure of an individual customer to read or receive the notice.


7 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
8 31, 38, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

9 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
10 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
11 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
12 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
13 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
14 Administrative Law Judge or the Commission.

15 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
16 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

17 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
18 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
19 hearing.

20 DATED this 8th day of September, 2011.

21
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23
24 
25 TEENA J. BILIAN
26 ADMINISTRATIVE LAW JUDGE
27
28

1 Copies of the foregoing mailed/delivered
this 9 day of September, 2011 to:

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3 PINNACLE WEST CAPITAL CORPORATION
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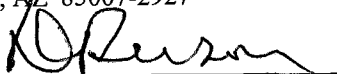
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28 Debbi Person
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